



500.36977CX1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Kazutoshi HIGUCHI

Serial No.: 09/886,992

Filed: June 25, 2001

For: MULTI-BAND RADIO TERMINAL APPARATUS

Group: 2681

Examiner: E. Gary

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JUL 29 2004

RESPONSE AFTER FINAL - EXPEDITED
PROCEDURE UNDER 37 CFR 1.116

Technology Center 2600

MS AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 22, 2004

Sir:

The present Response leaves claims 7-10 unchanged. Therefore, the present application has pending claims 7-10.

In the Office Action the Examiner rejected claims 7-10 under the judicially created doctrine of obviousness type double patenting as being unpatentable over claim 1 of prior Patent No. 6,438,358. Applicants do not agree with this rejection. However, in order to expedite prosecution of the present application filed on even date herewith is a Terminal Disclaimer obviating this rejection. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

It should be noted that the filing of the Terminal Disclaimer was not intended nor should it be considered as an agreement on Applicants part that the features of

the present invention as recited in claims 7-10 are taught or suggested by the features recited in claim 1 of the prior patent. The filing of the Terminal Disclaimer was simply intended to expedite prosecution of the present application.

There are no other outstanding rejections with respect to the present application.

In view of the foregoing remarks, Applicants submit that claims 7-10 are in condition for allowance. Accordingly, early allowance of the present application based on claims 7-10 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (500.36977CX1).

Respectfully submitted,

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